

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREA ANCELL-BARROS and
MARK FRISBY,

Plaintiff(s),

ORDER

CV 05-3360(ADS)(WDW)

-against-

GOOD SAMARITAN HOSPITAL MEDICAL
CENTER,

Defendant(s).

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WALL, Magistrate Judge:

Before the court is the plaintiffs' motion to sever, on consent of the defendant. The motion is granted on the following terms. Plaintiff Andrea Ancell-Barros will remain as the named plaintiff in CV 05-3360. Plaintiff Mark Frisby shall file a new action, file and serve a summons and complaint, pay the required fee, and note on the filing papers that his action is related to CV 05-3360, so that the same judges can be assigned. Inasmuch as the defendant consents to the severing, the court deems any statute of limitations defense as to Mark Frisby's claims to be waived, unless it existed as of the date of the filing of 05-3360.

Ms. Ancell-Barros shall file and serve an amended complaint within 14 days of the issuance of this Order, and the defendant shall answer it. The undersigned also So Orders the discovery-related rulings set forth in paragraphs 4, 5, and 6 & 8 of the letter motion [document #10]. The Clerk of the Court is directed to amend the caption of CV-05-3360 in conformance with this Order. Counsel for Mr. Frisby and Ms. Ancell-Barros shall inform the court when the two actions are ready to proceed, and a conference will be scheduled.

Dated: Central Islip, New York
December 22, 2005

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge